

# CORRESPONDENCE

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## AND PAPERS IN RELATION TO THE ALASKA BOUNDARY QUESTION.

*Mr. Chamberlain to Lord Minto.*

LONDON, October 31, 1902.

Proposal unofficially renewed by Secretary of State for United States for appointment of tribunal, members of which should merely record their reasoned opinions.

Does this suggestion, which would at least afford opportunity to the public in the United States and Canada of comparing their respective cases, meet with the approval of your Ministers ?

CHAMBERLAIN.

*Lord Minto to Mr. Chamberlain.*

OTTAWA, November 18, 1902.

Referring to your despatch of October 31 concerning the proposal of the United States for the appointment of a tribunal of jurists to record their reasoned opinions upon the Alaska Boundary question, my Ministers, while declining to give final assent to such proposal, would be disposed to consider it favourably, provided the reference to the tribunal should include all aspects of the question. They think that such a reference as was outlined in my despatch of last November, 1901, might be acceptable.

MINTO.

*Colonial Office to Lord Minto.*

LONDON, December 11, 1902.

Alaska Boundary. Referring to your cable of November 18, presume that in event of majority of tribunal agreeing on answer to the reference submitted, decision would be accepted as final by your Ministers. Please cable reply.

*Lord Minto to Colonial Office.*

December 15, 1902.

Alaska Boundary. Your cable 11th inst. Am asked by my Ministers to state that they cannot give proper consideration to question submitted till exact text of proposed reference or the composition of tribunal is before them. On receipt of this information they will communicate with Sir Wilfrid Laurier (who is absent from Ottawa), and will send reply as soon as possible.



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*Personal.*

WASHINGTON, December 18, 1902.

The Honourable JOHN HAY, &amp;c., &amp;c.:

Since our interview this morning I have had time to examine the Draft Alaska Boundary Treaty which you then handed to me.

You will remember that I told you on the 8th inst. that Lord Lansdowne was prepared to entertain favourably the idea of a Judicial Tribunal, provided that the terms of reference were framed so as to include all aspects of the question.

Section 5 of Article IV of the Draft Treaty does not, it seems to me, fulfil this requirement, for it only gives prominence to the American contention that the Treaty of 1825 was intended to give Russia a strip of coast of at least ten marine leagues on the mainland, separating the British possessions from the bays, ports, inlets, havens and waters of the ocean. The point from which this strip of land is to be measured is not apparently mentioned as an issue, and the Canadian contention that the line shall follow the crest of the mountains parallel to the coast, but so as to include bays, ports and inlets, would be excluded.

Under this reference the jurists would hold that the only point to be decided would be the width of the strip which is to separate the British possessions from access to all waters, even to bays, ports, inlets and havens.

I fear, therefore, that Lord Lansdowne could never accept this section as it stands, and I trust that it will be possible for your government to agree to a modification of the draft, so as to leave it to the jurists to decide whether the boundary line should go round all bays, ports, inlets and havens, or whether it should, following the crest of the mountains, pass across bays, ports, inlets and havens.

As I have a messenger to-morrow afternoon, I should be glad to call at the Department of State to-morrow morning to discuss the matter, if you can spare time to receive me.

MICHAEL H. HERBERT.

WASHINGTON, December 19, 1902.

MY LORD,—With reference to my despatch No. 333, confidential, of the 8th instant, Mr. Hay handed to me yesterday a Draft Treaty for the settlement of the Alaska Boundary by a Judicial Tribunal, \* \* \* \* He stated that all the terms of reference suggested by Your Lordship had been accepted, except Section 6 (see memorandum inclosed in my despatch No. 333), which had been altered. I asked his permission to take the document home and study it, and I promised to let him know my views in regard to it as soon as possible. On examination of the Treaty I found that with the exception of the addition of the words 'if they exist' between the word 'what' and the words 'are the' in Section 5 of my memorandum, all the sections excepting No. 6 (which in Mr. Hay's draft was made No. 5) were couched in the same language as the reference I had suggested. Section 5 of the draft, however, repeated exactly the wording of sub-section 2 of Article IV of the Draft Treaty submitted by Mr. Hay to Lord Pauncefoot in May, 1901, and I accordingly sent a note to Mr. Hay in the evening, copy of which I have the honour to inclose, stating that I felt sure Your Lordship would be unable to accept this reference, as it only put forward the American contention, and that that of Canada would be excluded by it. I called at the Department of State this morning and repeated the arguments contained in my note, and after a short discussion Mr. Hay said that in view of my objections, and of his wish to arrive at a settlement, he was prepared to modify the draft in the following manner: To let the first five sections stand as proposed in his draft of yesterday, omitting the words 'if not, how should said line of demarcation be traced to conform to the provisions of the said Treaty' at the end of Section 5. Then to take No. 6 as follows: 'If the foregoing question (No. 5) should be answered in the negative, and



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in the event of the summit of such mountains proving to be in places more than ten marine leagues from the coast, should the width of the lisiere which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the lisiere was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets.' (Your Lordship will observe that the word 'mainland' has been inserted before the word 'coast' all through this section.)

Then to change the number of the original Section 6 of Mr. Hay's draft of yesterday into Section 7 in the new draft.

I consented to this modification, and said I was now prepared to send the draft home for Your Lordship's approval.

The final paragraph of Article III is identical with the language of Article III of the May Draft Treaty.

\* \* \* \* \*

Article VI provides that the decision shall be final, and Mr. Hay has consented to use the same language as that contained in Lord Pauncefote's memorandum of February last.

I have the honour to transmit copy of the Draft Treaty as amended, and I earnestly hope that its provisions will meet with the approval of His Majesty's government and of that of Canada.

MICHAEL H. HERBERT.

## ALASKAN BOUNDARY.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, equally desirous for the friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the Convention between Great Britain and Russia, signed under date of February 28-16, A.D. 1825, which clauses relate to the delimitation of the boundary line between the Territory of Alaska, now a possession of the United States, and the British possession in North America, have resolved to provide for the submission of the questions as hereinafter stated to an arbitral tribunal, and to that end have appointed their respective plenipotentiaries as follows :—

The President of the United States of America; John Hay, Secretary of State of the United States; and

His Britannic Majesty; the Right Honourable Sir Michael Herbert, K.C.M.G., C.B., His Britannic Ambassador Extraordinary and Plenipotentiary;

Who, after an exchange of their full powers which were found to be in good and due form, have agreed upon the following Articles :—

## ARTICLE I.

A tribunal shall be immediately appointed to consider and decide the questions set forth in Article IV of this Convention. The tribunal shall consist of six impartial jurists of repute, who shall consider judicially the questions submitted to them, each of whom shall first subscribe an oath that he will impartially consider the arguments and evidence presented to the tribunal, and will decide thereupon according to his true judgment. Three members of the tribunal shall be appointed by the President of the United States, and three by His Britannic Majesty. All questions considered by the tribunal, including the final award, shall be decided by a majority of all the members thereof.



In case of the refusal to act, or of the death, incapacity or abstention from service of any of the persons so appointed, another impartial jurist of repute shall be forthwith appointed in his place by the same authority which appointed his predecessor.

The tribunal may appoint a secretary and a bailiff to perform such duties as they may prescribe, and may employ scientific experts, if found to be necessary, and may fix a reasonable compensation for such officers. The tribunal shall keep an accurate record of all its proceedings.

Each of the high contracting parties shall make compensation for the services of the members of the tribunal of its own appointment, and of any agent, counsel or other person employed in its behalf, and shall pay all costs incurred in the preparation of its case. All expenses reasonably incurred by the tribunal in the performance of its duties shall be paid by the respective governments in equal moieties.

The tribunal may, subject to the provisions of this Convention, establish all proper rules for the regulation of its proceedings.

#### ARTICLE II.

Each of the high contracting parties shall also name one person to attend the tribunal as its agent.

The written or printed case of each of the two parties, accompanied by the documents, the official correspondence and all other evidence in writing or print on which each party relies, shall be delivered in duplicate to each member of the tribunal, and to the agent of the other party, as soon as may be after the organization of the tribunal, but within a period not exceeding two months from the date of the exchange of ratifications of this Convention.

Within two months after the delivery on both sides of the written or printed case, either party may, in like manner, deliver in duplicate to each member of the tribunal, and to the agent of the other party, a counter case and additional documents, correspondence and evidence in reply to the case, documents, correspondence and evidence so presented by the other party. The tribunal may, however, extend this last mentioned period when in their judgment it becomes necessary by reason of special difficulties which may arise in the procuring of such additional papers and evidence.

If in the case submitted to the tribunal either party shall have specified or referred to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party shall demand it, within thirty days after the delivery of the case, to furnish to the party applying for it a duly certified copy thereof; and either party may call upon the other, through the tribunal, to produce the original or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the tribunal may require; and the original or copy so requested shall be delivered as soon as may be and within a period not exceeding forty days after receipt of notice.

Each party may present to the tribunal all pertinent evidence, documentary, historical, geographical, or topographical, including maps and charts, in its possession or control and applicable to the rightful decision of the questions submitted; and if it appears to the tribunal that there is evidence pertinent to the case in the possession of either party, and which has not been produced, the tribunal may, in its discretion, order the production of the same by the party having control thereof.

It shall be the duty of each party through its agent or counsel, within two months from the expiration of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each member of the said tribunal, and to the agent of the other party, a written or printed argument, showing the points and referring to the evidence upon which his government relies, and either party may also support the same before the tribunal by oral argument or counsel. The tribunal may, if they shall deem further elucidation with regard to any point necessary, require from either party



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a written, printed or oral statement or argument upon the point ; but in such case the other party shall have the right to reply thereto.

## ARTICLE III.

It is agreed by the high contracting parties that the tribunal shall consider in the settlement of the questions submitted to its decision the treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias, under date of 28-16 February, A.D. 1825, and between the United States of America and the Emperor of All the Russias, concluded under date of March 30-18, A.D. 1867 ; and particularly the Articles III, IV, V, of the first mentioned treaty, which in the original text are word for word as follows :—

“ La ligne de démarcation entre les Possessions des Hautes Parties Contractantes sur la Côte du Continent et les Isles de l’Amérique Nord-Ouest, sera tracée ainsi qu’il suit :

“ A partir du point le plus méridional de l’Ile dite *Prince of Wales*, lequel point se trouve sous la parallèle du 54<sup>me</sup> degré 40 minutes de latitude nord, et entre le 131<sup>me</sup> et le 133<sup>me</sup> degrés de longitude ouest (Méridien de Greenwich), la dite ligne remontera au Nord le long de la passe dite *Portland Channel*, jusqu’au point de la terre ferme ou elle atteint le 56<sup>me</sup> degré de latitude Nord ; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu’au point d’intersection du 141<sup>me</sup> degré de longitude Ouest (même Méridien), et, finalement du dit point d’intersection, la même ligne méridienne du 141<sup>me</sup> degré formera, dans son prolongement jusqu’à la mer Glaciale, la limite entre les Possessions Russes et Britanniques sur le continent de l’Amérique Nord-Ouest.”

“ IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l’Article précédent :

“ 1. Que l’isle dite *Prince of Wales* appartiendra toute entière à la Russie.

“ 2. Que partout où la crête des montagnes qui s’étendent dans une direction parallèle à la côte depuis le 56<sup>me</sup> degré de latitude Nord au point d’intersection du 141<sup>me</sup> degré de longitude Ouest, se trouverait à la distance de plus de dix lieues marines de l’océan, la limite entre les Possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de dix lieues marines.”

“ V. Il est convenu en outre, que nul établissement ne sera formé par l’une des deux parties dans les limites que les deux Articles précédens assignent aux Possessions de l’autre. En conséquence, les sujets britanniques ne formeront aucun Etablissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des Possessions Russes, telles qu’elles sont designées dans les deux Articles précédents ; et, de même, nul Etablissement ne sera formé par des sujets Russes au delà des dites limites.”

The tribunal shall also take into consideration any action of the several governments or of their respective representatives preliminary or subsequent to the conclusion of said treaties so far as the same tends to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said treaties.

## ARTICLE IV.

Referring to Articles III., IV. and V., of the said Treaty of 1825, the said tribunal shall answer and decide the following questions:—

1. What is intended as the point of commencement of the line?
2. What channel is the Portland channel?



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3. What course should the line take from the point of commencement to the entrance to Portland channel?

4. To what point on the 56th parallel is the line to be drawn from the head of the Portland channel, and what course should it follow between these points?

5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of ten marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than ten marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland, not exceeding ten marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than ten marine leagues from the coast, should the width of the lisière, which was to belong to Russia, be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the lisière was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains when within ten marine leagues from the coast, are declared to form the eastern boundary?

#### ARTICLE V.

The tribunal shall assemble for their first meeting at London so soon as practicable after receiving their commissions; and shall themselves fix the times and places of all subsequent meetings.

The decision of the tribunal shall be made so soon as possible after the conclusion of the arguments in the case, and within three months thereafter, unless the President of the United States and His Britannic Majesty shall by common accord extend the time therefor. The decision shall be made in writing, and dated, and shall be signed by the members of the tribunal assenting to the same. It shall be signed in duplicate, one copy whereof shall be given to the agent of the United States of America for his Government, and the other to the agent of His Britannic Majesty for his Government.

#### ARTICLE VI.

When the high contracting parties shall have received the decision of the tribunal upon the questions submitted as provided in the foregoing articles, which decision shall be final and binding upon all parties, they will at once appoint, each on its own behalf, one or more scientific experts who shall with all convenient speed proceed together to lay down the boundary line in conformity with such decision.

Should there be, unfortunately, a failure by a majority of the tribunal to agree upon any of the points submitted for their decision, it shall be their duty to so report in writing to their respective governments through their respective agents. Should there be an agreement by a majority upon a part of the questions submitted, it shall



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be their duty to sign and report their decision upon the points of such agreement in the manner hereinbefore prescribed.

ARTICLE VII.

The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate, and by His Britannic Majesty, and the ratifications shall be exchanged in Washington or in London so soon as the same may be effected.

In faith whereof we, the respective plenipotentiaries, have signed this treaty and have hereunto fixed our seals.

Done at Washington in duplicate this 24th day of January, A.D. 1903.

MICHAEL H. HERBERT,

JOHN HAY.

*The Secretary of State for the Colonies to Lord Minto.*

LONDON, January 6, 1903

Alaska.—Shall be glad to have as soon as possible views of your Ministers on draft boundary treaty which was inclosed in Sir Michael Herbert's despatch No. 347 of December 19.

*Lord Minto to Sir Michael Herbert.*

OTTAWA, January 12, 1903.

Referring to the last proposed Alaskan boundary treaty, a draft of which you submitted to me, my Ministers are satisfied with the questions to be submitted to the tribunal, but they still have the same objection to the composition of the proposed tribunal, and before assenting to it, they would hope that another effort should be made to have the questions to be adjudicated upon submitted either to a board of arbitrators composed in part of independent jurists, not subjects of either state, as proposed in my despatch to Mr. Chamberlain of November, 1901, or to the Hague tribunal.

MINTO, Ottawa.

LONDON, January 12, 1903.

With reference to my telegram of January 6, relative to the Alaska Boundary

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Sir M. Herbert advocates strongly three judges of the United States Supreme Court with the Lord Chief Justice of England, the Chief Justice of Canada and the Judicial High Court of Great Britain on one side, as forming a tribunal which would command the highest confidence of all concerned.

Your Ministers will doubtless give this matter their serious consideration.

Desired early expression of views of your Ministers as to terms of draft treaty, final tribunal decision and its composition. Telegraph reply.

SECRETARY OF STATE FOR COLONIES.



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*Sir Michael Herbert to Lord Minto.*

WASHINGTON, January 18, 1903.

I have despatched the following to-day to the Foreign Office:—

Re Alaska Boundary—Secretary of State has again asked me for an answer to-day on the ground that present moment they might be favourable for ratification of treaty and, if the question is further postponed, Senators' attitude may change.

HERBERT.

*Minto, Ottawa.*

WASHINGTON, January 19, 1903.

Alaska Treaty, Canadian reply.

Following sent to Foreign Office to-day. I informed Mr. Hay to-day that the Canadian Government were satisfied as to terms of reference, but they objected to composition of tribunal and hoped that the United States Government would agree to have the questions to be adjudicated upon submitted either to Foreign Office or to the Hague Tribunal.

At the same time I pointed out that the Hague tribunal was especially intended to settle disputes in regard to interpretation of treaties. Mr. Hay said in reply that in view of the alterations he had made in regard to terms of reference he had hoped for a spontaneous acceptance of the treaty, and he regretted that the Canadian Government still objected to the tribunal's composition. He could only repeat what he had often said before that the form of arbitration proposed was the only one acceptable to the President, and that a treaty involving submission of question to foreign arbitration or to Hague tribunal would stand no chance of ratification by the United States Senate.

HERBERT.

*Minto, Ottawa.*

LONDON, January 19, 1903.

Referring to Sir Michael Herbert's telegram stating that the United States Government is unable to agree to modification of tribunal, I trust that your responsible advisers will now agree to his being instructed to sign the draft treaty. Please reply by telegram as soon as possible.

Secret.

Should be glad to give an early answer to my telegram of January 12 as to British Ambassador Washington's proposal that Chief Justice of England, Chief Justice of Canada and Judicial High Court of Appeal of Great Britain should be appointed as British members of the tribunal.

SECRETARY OF STATE.

*Colonial Office to Lord Minto.*

LONDON, January 20, 1903.

Re British Ambassador at Washington's cable, stating that Mr. Hay would prefer London as place of meeting, I should be glad to receive early expression of your Ministers' views as to this.

SECRETARY OF STATE.



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*Lord Minto to Secretary of State for the Colonies.*

OTTAWA, January 21, 1903.

My Ministers, whilst still regretting that proposed tribunal will not be constituted so as to insure certainty of a final decision being reached on the reference, being satisfied with the terms of that reference, will agree to accept treaty as contained in the draft submitted to them.

With regard to composition of tribunal, my Ministers are of opinion that it is premature to adopt any final arrangement, it is sufficient now to have it clearly understood that members of the court to be appointed by His Majesty shall be jurists of repute, and British subjects.

They will be quite satisfied if London is selected for sittings of the court.

LONDON, February 18, 1903.

*To Lord Minto.*

H.M. Ambassador, Washington, cables President will appoint Mr. Root, Secretary of State for War, and Senators Lodge and Turner, as American members of Commission Alaska Boundary.

Should be glad to have views of your Ministers as to British Commission.

SECRETARY OF STATE FOR COLONIES.

*Lord Minto to Colonial Office.*

OTTAWA, February 21, 1903.

Supplementing my last despatch, my Ministers call attention to the fact that they agreed to a court of six members on the stipulation conveyed in the treaty that members of said court would be impartial jurists, and in the hope that judges of the highest courts in the United States would be appointed as American Commissioners, my Ministers also agreeing that British Commissioners should be judges of the highest standing.

My Ministers most strongly represent that this consideration having been material in causing their assent to the treaty should be made good, otherwise the ground upon which they based their assent would be changed, and it is feared whole situation would require to be reconsidered.

My Ministers would be ready to implement their part of the understanding as to the composition of British side of the Commission, but do not think it advisable to submit their views until question raised about American Commission is satisfactorily disposed of.

*Lord Onslow to Governor General, Ottawa.*

LONDON, February 27, 1903.

With reference to your telegram dated the 19th and 21st of February, selection of American members of tribunal has been the source of as much surprise to His Majesty's Government as to your Ministers. Situation is full of difficulty, and His Majesty's Government earnestly desire to have concurrence of your Ministers in dealing with it.

It seems certain to His Majesty's Government that it would be useless to press the United States Government to withdraw names put forward and arguments relative to the fitness of the three American representatives, however convincing, can have no practical results.

His Majesty's Government have, therefore, to choose between breaking off negotiations altogether or accepting American nominations, and appointing as their



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colleagues representatives who will meet the altered circumstances of the case. They would regard the first alternative as a grave misfortune to the interests of Canada, and would prefer that the inquiry should proceed, in confident hope that Canadian or British interests would not be prejudiced thereby, as, even in the event of failure, much important information upon controverted points would be collected, and placed before the public, and reasonable settlement at some future time thereby facilitated.

His Majesty's Government earnestly hope that these considerations may be carefully weighed by your Ministers, and that they will favour His Majesty's Government if they agree with the opinion stated above, with an expression of their views as to the most advantageous composition of the British side of the tribunal.

ONSLOW.

*Sir M. Herbert to Lord Minto.*

WASHINGTON, D.C., March 6, 1903.

Secretary of State has officially notified to me to-day the appointment of Messrs. Root, Lodge and Turner as American members of the Alaska tribunal.

HERBERT.

*Lord Minto to Colonial Office.*

OTTAWA, March 6, 1903.

Referring to your despatch of February 27, my Ministers regard the situation with much anxiety. They desire to emphasize the fact that their assent to a treaty which provided for the creation of a tribunal so composed as not to insure finality was obtained on the stipulation in the treaty that the members of the court would be impartial jurists of repute. \* \* \* \* Their doubts as to the effectiveness of the contemplated arrangement as a means of settlement were in some degree modified by the assurance that the members of the tribunal would approach the subject with unbiassed minds, and that a judicial interpretation of the Treaty of 1825 would be obtained. The appointment to the tribunal by the United States government of gentlemen who are not judges, and whose known views leave no room for expectation of a judicial consideration of the question, changes the whole situation. If the whole question were now open to be dealt with entirely from the point of view of Canadian interests, my Ministers would hesitate to advise any further participation in proceedings. \* \* \*

My Ministers have observed from the public press, and have also been officially informed that while the matter is still under their consideration, the treaty has been confirmed by His Majesty's government, and an exchange of ratifications has already taken place at Washington. It is presumed that this fact precludes further discussion, and my Ministers will, therefore, proceed to do whatever is necessary on their part to make good the engagements of His Majesty's government, but they must reserve the right to submit to the Canadian parliament the whole correspondence, or such statement of the case as will fully explain the whole matter, and especially the manner in which the assent of Canada was obtained.

My Ministers do not agree with the suggestion that the altered circumstances justify a departure on the British side from the disposition previously manifested respecting the composition of the tribunal. If members of the tribunal are to be appointed by His Majesty's government, my Ministers are of opinion that only judges of the higher courts, who in the best sense of the words would be impartial jurists of repute, should be chosen.



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*Minto, Ottawa.*

LONDON, March 7, 1903.

The ratifications of the Alaska Boundary Treaty were exchanged on 3rd instant.

Time for the preparation of the case, Article II, has consequently begun to run against us, and it is important that composition of British half of court, also appointment of British agent, should be settled without delay.

Hope, therefore, your responsible advisers will favour us with their views on these appointments as early as possible.

SECRETARY OF STATE.

*Lord Minto to Colonial Office.*

OTTAWA, March 7, 1903.

In view of the short time given for preparation of the case, my Ministers desire to proceed immediately, and therefore suggest an early settlement of preliminaries.

As to the composition of tribunal, my Ministers suggest Chief Justice of England and two Canadian judges, names to be telegraphed hereafter.

As to counsel, my Ministers desire that Mr. Edward Blake, K.C., London, and Mr. Christopher Robinson, K.C., Toronto, be of counsel to uphold the British contention, and a junior counsel.

Under that clause of the treaty which provides for the appointment of an agent to represent each party before the tribunal, my Ministers desire that Mr. Clifford Sifton, Canadian Minister of the Interior, be appointed to fill such position.

*Lord Minto to Mr. Chamberlain.*

OTTAWA, March 17, 1903.

In addition to Chief Justice of England, my Ministers propose Sir Louis Jetté, a retired judge of the Superior Court of the Province of Quebec, and now Lieutenant Governor of Quebec, and Justice Armour, of the Supreme Court of Canada, as members of the Court of Imperial Jurists under treaty for settlement of boundary of Alaska.



















